

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

DONALD J. TRUMP, Candidate for President of the
United States of America,

Plaintiff,

v.

Case No.: 2:20-cv-01785-BHL

THE WISCONSIN ELECTIONS COMMISSION, and its
Members, ANN S. JACOBS, MARK L. THOMSEN,
MARGE BOSTELMANN, DEAN KNUDSON,
ROBERT F. SPINDELL, JR., in their official capacities,
SCOTT MCDONELL in his official capacity as the Dane
County Clerk, GEORGE L. CHRISTENSON in his
official capacity as the Milwaukee County Clerk,
JULIETTA HENRY in her official capacity as the
Milwaukee Election Director, CLAIRE WOODALL-
VOGG in her official capacity as the Executive Director
of the Milwaukee Election Commission, MAYOR TOM
BARRETT, JIM OWCZARSKI, MAYOR SATYA
RHODES-CONWAY, MARIBETH WITZEL-BEHL,
MAYOR CORY MASON, TARA COOLIDGE,
MAYOR JOHN ANTARAMIAN, MATT KRAUTER,
MAYOR ERIC GENRICH, KRIS TESKE, in their
official capacities; DOUGLAS J. LA FOLLETTE,
Wisconsin Secretary of State, in his official capacity, and
TONY EVERS, Governor of Wisconsin, in his official capacity,

Defendants.

DECLARATION OF ATTORNEY DANIEL P. BACH

I, Daniel P. Bach, declare under penalty of perjury that the following is true and correct:

INTRODUCTION

1. I am a shareholder at the law firm of Lawton & Cates, S.C. I make this declaration in support of Motion for an Award of Attorney Fees by defendants Cory Mason, Mayor of

the City of Racine, Tara Coolidge, City Clerk of the City of Racine, John Antaramian, Mayor of the City of Kenosha, Matt Krauter, City Clerk of the City of Kenosha, Eric Genrich, Mayor of the City of Green Bay, and Kris Teske, City Clerk of the City of Green Bay (hereinafter and collectively, “movants”).

2. The plaintiff filed the Complaint in this matter on Wednesday, December 4, 2020. [Dkt. No. 1]. The movants retained Lawton & Cates, S.C. to represent them in this matter on Saturday, December 5, 2020. This case was factually and legally complex. The complaint was seventy-two pages long and contained 302 paragraphs. [Dkt. No. 1]. It was accompanied by forty-four exhibits, an emergency motion for a preliminary injunction, and a request for a hearing on that motion within forty-eight hours of filing. [Dkt. Nos. 6, 12]. In responding to the plaintiff’s complaint and motion for a preliminary injunction, counsel for the movants researched and briefed issues including but not limited to: lack of subject matter jurisdiction, laches, mootness and various abstention doctrines, as well as substantive issues of Wisconsin election law. [*See generally* Dkt. No. 70].
3. As required by this Court’s scheduling order, the movants responded to the plaintiff’s complaint and motion for a preliminary injunction on Tuesday, December 8, 2020. The movants’ attorneys coordinated with attorneys for defendants Satya Rhodes-Conway, Mayor of the City of Madison, Maribeth Witzel-Behl, Clerk of the City of Madison, and Scott McDonnell, Dane County Clerk, in preparing joint responses, thereby avoiding duplicative filings.
4. The movants’ attorneys attended and participated in the final evidentiary hearing in this matter on Thursday, December 10, 2020 and throughout the plaintiff’s unsuccessful appeal and petition for a writ of certiorari.

QUALIFICATIONS OF THE MOVANTS' ATTORNEYS

5. Lawton & Cates, S.C. is a law firm with offices located in Madison and Jefferson, Wisconsin. Lawton & Cates, S.C. is well-known in the community for its litigation practice. The individual attorneys who provided services to the movants in this case were Daniel P. Bach, Dixon R. Gahnz, Terrence M. Polich, and Daniel S. Lenz.

Attorney Daniel P. Bach

6. I received a B.S. degree in Economics from the Wharton School of Finance at the University of Pennsylvania in 1980. I graduated *cum laude* from the University of Wisconsin Law School in 1984.
7. I am admitted to practice before the Wisconsin Supreme Court, the United States Court of Appeals for the Seventh Circuit, the United States District Court for the Eastern District of Wisconsin and the United States District Court for the Western District of Wisconsin. I have also been admitted to practice *pro hoc vice* in the United States District Court for the Northern District of Illinois.
8. From 1984 to 1986 I served as a law clerk to United States District Judge Robert W. Warren in the Eastern District of Wisconsin. From 1986 until 2000 I served as an assistant United States attorney in the Western District of Wisconsin, the last two years as chief of the civil division in that office. From 2003 through 2006 I served as the Deputy Attorney General for Wisconsin. I was in private practice concentrating on civil litigation from 2000-2002 and 2007-present.
9. Along with Attorneys Gahnz, Polich and Lenz, as well as other attorneys and staff at Lawton & Cates, S.C., I represented the members of the Wisconsin Elections Commission in pre-election litigation relating to the 2020 Wisconsin Presidential Primary and General

Elections. *Democratic Nat'l Comm. v. Bostelmann*, 451 F.Supp.3d 952 (W.D. Wis. April 2, 2020), *stayed in part*, 2020 WL 3619499 (7th Cir. Apr. 3, 2020), *stayed in part sub nom. Republican Nat'l Comm. v. Democratic Nat'l Comm.*, — U.S. —, 140 S. Ct. 1205, 206 L.Ed.2d 452 (April 6, 2020) (per curiam); *Democratic Nat'l Comm. et al. v. Bostelmann et al.*, 488 F.Supp.3d 776 (W.D. Wis. Sep. 21, 2020); *stayed* 977 F.3d 639.

10. My customary billing rates range between \$300 and \$425 per hour, depending on the nature of the case.

Attorney Dixon R. Gahnz

11. Attorney Dixon R. Gahnz received his B.S. from the University of Wisconsin-Madison in May 1989. He graduated *cum laude* from the University of Wisconsin Law School in December of 1994. Attorney Gahnz began practicing law in January 1995.
12. Attorney Gahnz is admitted to practice before the Wisconsin Supreme Court, the United States Court of Appeals for the Seventh Circuit, the United States District Court for the Eastern District of Wisconsin and the United States District Court for the Western District of Wisconsin.
13. Since 1995, Attorney Gahnz has been engaged in the private practice of law. He has represented clients throughout the State of Wisconsin, in civil litigation and administrative proceedings in both state and federal courts. Currently, Attorney Gahnz serves as the president of Lawton & Cates, S.C.
14. Along with Attorneys Lenz, Polich and Bach, as well as other attorneys and staff at Lawton & Cates, S.C., Attorney Gahnz represented the members of the Wisconsin Elections Commission in pre-election litigation relating to the 2020 Wisconsin Presidential Primary and General Elections. *Democratic Nat'l Comm. v. Bostelmann*, 451 F.Supp.3d 952 (W.D.

Wis. April 2, 2020), *stayed in part*, 2020 WL 3619499 (7th Cir. Apr. 3, 2020), *stayed in part sub nom. Republican Nat'l Comm. v. Democratic Nat'l Comm.*, — U.S. —, 140 S. Ct. 1205, 206 L.Ed.2d 452 (April 6, 2020) (per curiam); *Democratic Nat'l Comm. et al. v. Bostelmann et al.*, 488 F.Supp.3d 776 (W.D. Wis. Sep. 21, 2020); *stayed* 977 F.3d 639.

15. Attorney Gahnz's customary billing rates range between \$500 and \$750 per hour, depending on the nature of the case. Lawton & Cates, S.C. agreed to represent these defendants for a blended rate of \$275 per hour because of the importance of the matter and our commitment to serving the public as well as our private clients.

Attorney Terry M. Polich

16. Attorney Terrence M. Polich received his J.D. from the University of Wisconsin Law School in December 1998 and began practicing law in January 1999.
17. Attorney Polich is admitted to practice before the Wisconsin Supreme Court, the United States Court of Appeals for the Seventh Circuit, the United States District Court for the Eastern District of Wisconsin and the United States District Court for the Western District of Wisconsin.
18. Since 1999, Attorney Polich has been engaged in the private practice of law, representing clients throughout Wisconsin in civil litigation. He has tried a number of cases to verdict, including medical malpractice cases, injury cases and other civil matters. Attorney Polich has represented clients in a number of complex litigation cases, including cases involving medical malpractice, accounting malpractice and federal tort claim cases.
19. Along with Attorneys Gahnz, Bach and Lenz, as well as other attorneys and staff at Lawton & Cates, S.C., Attorney Polich represented the members of the Wisconsin Elections Commission in pre-election litigation relating to the 2020 Wisconsin Presidential Primary

and General Elections. *Democratic Nat'l Comm. v. Bostelmann*, 451 F.Supp.3d 952 (W.D. Wis. April 2, 2020), *stayed in part*, 2020 WL 3619499 (7th Cir. Apr. 3, 2020), *stayed in part sub nom. Republican Nat'l Comm. v. Democratic Nat'l Comm.*, — U.S. —, 140 S. Ct. 1205, 206 L.Ed.2d 452 (April 6, 2020) (per curiam); *Democratic Nat'l Comm. et al. v. Bostelmann et al.*, 488 F.Supp.3d 776 (W.D. Wis. Sep. 21, 2020); *stayed* 977 F.3d 639.

20. Attorney Polich's customary billing rates for litigation work ranges between \$250 and \$400 per hour, depending on the nature of the case.

Attorney Daniel S. Lenz

21. Attorney Daniel S. Lenz received a B.A. with distinction from the University of Wisconsin-Madison in May 2006. Attorney Lenz received his J.D. from the University of Wisconsin Law School in May 2010. Attorney Lenz began practicing law in October 2010.
22. Attorney Lenz is admitted to practice before the Wisconsin Supreme Court, the Illinois Supreme Court, the United States Court of Appeals for the Seventh Circuit, the United States District Court for the Eastern District of Wisconsin and the United States District Court for the Western District of Wisconsin. He has also been admitted *pro had vice* in the United States District Court for the District of Massachusetts.
23. Since 2010, Attorney Lenz has been engaged in the private practice of law. Attorney Lenz has represented clients throughout the State of Wisconsin, as well as in Illinois and Massachusetts, in civil litigation and administrative proceedings.
24. Along with Attorneys Gahnz, Polich and Bach, as well as other attorneys and staff at Lawton & Cates, S.C., Attorney Lenz represented the members of the Wisconsin Elections Commission in pre-election litigation relating to the 2020 Wisconsin Presidential Primary and General Elections. *Democratic Nat'l Comm. v. Bostelmann*, 451 F.Supp.3d 952 (W.D.

Wis. April 2, 2020), *stayed in part*, 2020 WL 3619499 (7th Cir. Apr. 3, 2020), *stayed in part sub nom. Republican Nat'l Comm. v. Democratic Nat'l Comm.*, — U.S. —, 140 S. Ct. 1205, 206 L.Ed.2d 452 (April 6, 2020) (per curiam); *Democratic Nat'l Comm. et al. v. Bostelmann et al.*, 488 F.Supp.3d 776 (W.D. Wis. Sep. 21, 2020); *stayed* 977 F.3d 639.

25. Attorney Lenz's customary billing rates range between \$275 and \$400 per hour, depending on the nature of the case.

BILLING RECORDS

26. Lawton & Cates, S.C. maintains client billing, expense and time records on a software program used by attorneys and staff at our firm. Individual attorneys record the time spent on the case daily. Prior to a bill being issued to a client, a supervising attorney reviews the time entries for errors or duplications. Lawton & Cates, S.C. followed that procedure in this matter.
27. In preparation for the Motion for an Award of Attorney Fees and Declaration, counsel for the movants reviewed the time entries in this case for accuracy and appropriateness, as well as to preserve confidential information. Counsel made any necessary edits and adjustments, but at no point did they increase time entries.
28. A copy of the movants attorney's time records, subtotaled by attorney, is attached hereto as Exhibit A.
29. Based on my knowledge and experience, both of this case and in my career litigating cases, including Motions for an Award of Attorney Fees, I believe the legal services described in Exhibit A and the time spent on those services were necessary and reasonable for the successful representation of the movants in this case.

30. The individual subtotals, by attorney, are as follows:

Attorney	Hours	Rate	Total
Terrence M. Polich	24.1	\$275	\$6,627.50
Dixon R. Gahnz	42.2	\$275	\$11,605.00
Daniel P. Bach	46.5	\$275	\$12,787.50
Daniel S. Lenz	42.0	\$275	\$11,550
		Total	\$42,570

31.

32. In retaining their attorneys, the movants executed a fee agreement that specified a blended attorney rate of \$275 per hour.

33. Lawton & Cates, S.C. issued statements for legal services during the course of the litigation, and movants have paid on the basis of those statements.

Executed on this 2nd day of April, 2021.

Electronically signed by:

s/ Daniel P. Bach

Dixon R. Gahnz, SBN 1024367

Daniel P. Bach, SBN 1005751

Terrence M. Polich, SBN 1031375

Daniel S. Lenz, SBN 1082058

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